

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MINALEAH A. KOFFRON,

Plaintiff,

v.

CASE No. 1:23-cv-327

HON. ROBERT J. JONKER

PORTAGE PUBLIC SCHOOLS, et al.,

Defendants.

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BRIEFING ORDER

Plaintiff moved for a preliminary injunction and for determination of supplemental jurisdiction over state claims on March 30, 2023. (ECF No. 4). The Court resolved the supplemental jurisdiction issue by declining supplemental jurisdiction and remanding the state claims. (ECF No. 9). The preliminary injunction aspect of the motion remains. It appears to request the same relief under the First Amendment that the state court has already granted. In addition, the defendants have already cited the only federal case the Court has found on the merits of the First Amendment issue, and that case does not support plaintiff's theory. *See* Defendants' Response, ECF No. 8, at PageID.208-09 (*citing Smith v. Board of Education, North Babylon Union Free School*, 844 F.2d 90 (2d Cir. 1988)).

To ensure full consideration of all relevant issues on the preliminary injunction motion, the Court sets the following briefing schedule: 1) plaintiff shall file a supplemental brief not later than April 10, 2023, addressing the *Smith* decision on the probability of success prong, and also addressing whether plaintiff continues to seek preliminary injunctive relief here in light of the state

court relief already in effect; 2) defendant shall file its response brief to plaintiff's original and supplemental briefs not later than April 17, 2023; and 3) plaintiff may file a reply brief not later than April 19, 2023. If the motion remains pending, the Court will address it with the parties during the Rule 16 conference on April 20, 2023.

IT IS SO ORDERED.

Dated: April 5, 2023

/s/ Robert J. Jonker

ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE